

REMARKS

The present invention related to a method for feeding an animal that involves a fat-containing diet having an amount of a liposome-encapsulated avian immunoglobulin against lipase effective to decrease body-weight gained due to consumption of the diet relative to a control animal.

Claims 1 – 6 and 9 – 11 stand rejected under 35 USC 112, first paragraph as containing new matter. The new matter rejection has been maintained "for reasons of record," which are described on page 4 of the Office Action dated October 25, 2004. The Examiner appears to be saying that the specification describes a process in which body the weight gained per unit of food is merely reduced, rather than completely inhibited. Although we believe that the term "inhibit" does not mean complete inhibition, Claims 1, 6 and 10 are amended to recite "decrease" rather than "inhibit".

Claims 1 – 6 and 9 – 11 are rejected under 35 USC 112, second paragraph as being indefinite due to lack of antecedent basis.

Claim 1 has been amended as suggested in the Office Action ("an animal" to "the animal").

In claim 6 and 10, "said diet" has been changed to "food composition," which term is recited in the preambles of those claims.

Claims 1 – 6 and 9 – 11 stand rejected under 35 USC 112, first paragraph, on grounds that the specification is not enabling for a method that works on animals other than rats.

The specification reports testing of an avian antibody in rats. Data obtained using the rat model is reasonably expected to predict seeing a similar effect of the antibody in other animal species because similar results have been reported in the literature.

For example, US Patent 5,989,584 (Cook et al., submitted herewith), discloses an avian antibody to the hormone CCK that was tested in rodents and poultry. The antibody produced similar effects in both animal species.

In US Patent 5,741,489 (of record) teaches an avian antibody to the enzyme urease that was found to improve performance in swine.

In US patent 6,213,930 (Cook; submitted herewith) claims a method for enhancing growth or feeding behavior of an animal, relative to a control animal, by administering an agent that reduces the bioavailability of a prostaglandin or leukotriene lipid precursor, wherein the

agent comprises an antibody. This agent was tested only in poultry, but the claims include other animal species that were not tested.

Applicant submits that a person of skill in the art would accept the data presented in this application as sufficient to support the claims.

CONCLUSION

This application is now in condition for allowance. Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3680. All correspondence should be directed to our address given below.

AUTHORIZATION

Applicant believes all required fees have been paid. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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Attachments: U.S. Patent No. 5,989,584
U.S. Patent No. 6,213,930 B1

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